

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Randall J. CALISTRI-YEH, et al.	:	Confirmation Number: 5090
	:	
Serial No.: 10/823,617	:	Group Art Unit: 2164
	:	
Filed: April 14, 2004	:	Examiner: Sathyanaraya R. Pannala

For: CONSTRUCTION OF TRAINABLE SEMANTIC VECTORS AND CLUSTERING
CLASSIFICATION, AND SEARCHING USING TRAINABLE SEMANTIC VECTORS

**PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(A) DUE
TO AN UNAVOIDABLE DELAY, OR IN THE ALTERNATIVE, PETITION TO REVIVE
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(B) DUE TO UNINTENTIONAL
DELAY**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner hereby petitions for revival of the above-captioned patent application

(“application”) under 37 C.F.R. § 1.137(a), or in the alternative, petition for revival of the above-
captioned patent application under 37 C.F.R. § 1.137(b) (“unintentional delay”).

I. BACKGROUND

Overview of the prosecution history

A final office action was issued in the application on June 27, 2007. A request for continued examination (“RCE”) was filed on September 27, 2007 to enter prior art documents and a statement of substance of interview. However, a Response to the June 27, 2007 office action was not submitted during the statutory period. A new office action was issued on November 16, 2007

despite the lack of a timely response to the previous action. No notice of abandonment has been issued.

Assumption of abandonment

While no notice of abandonment has yet been received and the November 16, 2007 office action indicates that the application is still pending, Petitioner assumes that the application is abandoned by operation of law for failing to reply to the Office Action of June 27, 2007 within the statutory period of time. This Petition is being filed with the required reply to the June 27, 2007 Office Action for revival of the application.

II. PETITION UNDER 37 C.F.R. § 1.137(a) ("UNAVOIDABLE DELAY")

Cause of the delay

The delay of the response to the June 27, 2007 Office Action results from errors on the part of an employee of Petitioner's counsel in the performance of a clerical function.

McDermott, Will and Emery LLP ("MWE"), a law firm based in Chicago, Illinois, represents Petitioner in prosecuting this application in front of the USPTO. On September 12, 2007, Wei-Chen Chen, the undersigned attorney, conducted a telephone interview ("interview") with the Examiner to discuss the June 27, 2007 office action and proposed amendments to overcome claim rejections. On September 14, 2007, the undersigned prepared a letter to Ms. Connie Kenneally, the Chief Executive Officer of Textwise LLC, the assignee of this application (Exhibit 1), to report the result of the interview and convey a proposed response to the June 27, 2007 office action. In the letter, the undersigned sought approval and authorization from the client to proceed filing the proposed response. The letter was formatted and mailed by Patricia Balero, the counsel's assistant.

On September 27, 2007, an RCE was filed to enter a statement of substance of interview and an information disclosure statement to make prior art documents of record (Exhibit 2). The filing of the RCE was duly docketed in MWE's docketing system. A response to the June 27, 2007 office action was not filed with the RCE at that time because the draft response and proposal were still pending for the client's approval and authorization. On November 16, 2007, a new office action was issued in the application as a result of the filing of the RCE. The November 16, 2007 office action and its due dates were properly docketed in MWE's docketing system.

During the period from November 1, 2007 to January 7, 2008, the undersigned was on medical leave to receive treatments. On November 27, 2007, the undersigned underwent a major surgery at the Stanford Hospital.

Coincidentally, on the very same day that undersigned was admitted to the hospital, Mr. Paraic Sheridan, who worked with the undersigned counsel on this patent application on behalf of Textwise, sent an e-mail to the undersigned representative agreeing to the contents of the draft response (Exhibit 3). Ms. Balero, acting according to a set-up protocol for handling correspondence for the undersigned during his medical leave, screened correspondence sent to the counsel and, based on the contents of the correspondence, placed correspondence in file or forwarded the correspondence to other MWE attorneys handling the counsel's docket during his medical leave. In response to Mr. Sheridan's e-mail, Ms. Balero checked MWE's docketing system and found no outstanding due date related to the office action dated June 27, 2007. Rather, the docketing system revealed that a new office action was issued on November 16, 2007. Based on the docket information and the arrival of a new office action, Ms. Balero, by error, concluded that an RCE was filed with a

response to the June 27, 2007 office action, and placed a copy of Mr. Sheridan's e-mail in the application file, not knowing that a response to the June 27, 2007 was in fact not yet filed.

The statutory period for responding to the June 27, 2007 office action expired on December 28, 2007. No notice of abandonment has been received.

On or around January 30, 2008, the undersigned counsel started reviewing the application file for preparation of comments to the November 16, 2007 office action. The counsel noted that the November 16, 2007 office action indicated that "the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114" and that "claims 41-52, 63-64 and 69-70 are pending." Nevertheless, the undersigned could not locate a copy of response to the June 27, 2007 office action in the file. Further check of the USPTO's PAIR system bore no fruit. A telephone call to the USPTO confirmed that a response was not filed. It was unclear whether the application is abandoned or still active in view of the new office action issued on November 16, 2007, the examiner's indication that claims 41-52, 63-64 and 69-70 are pending, and the absence of a notice of abandonment, especially when 37 CFR §1.135 states that "[i]f an applicant of a patent application fails to reply within the time period provided under §1.134 and §1.136, the application will become abandoned *unless an Office action indicates otherwise*". Emphases added. Extensive legal researches and reviews were conducted to determine the legal status of the application, but no clear teachings or conclusions could be found or reached. On February 4, 2008, Petitioner's counsel called the USPTO's help line for petitions to seek guidance and clarification on whether the application is abandoned or still active. The USPTO representative, while provided no indication on whether the application is still active, courteously suggested

Petitioner to consider making the record straight by assuming that the application is abandoned due to lack of a timely filed response to the June 27, 2007 office action and filing a petition to revive. The undersigned contacted the client the next day to discuss issues and status of the application, and obtained the client's approval to proceed as suggested by the USPTO. An updated response to the June 27, 2007 was then prepared and approved by Dr. Wen Ruan, who took over the responsibility of Mr. Sheridan after he left Textwise.

The entire delay was unavoidable

The USPTO and the court have consistently held that the reasonably prudent person standard is used to determine unavoidability. The word "unavoidable" is applicable to ordinary human affairs, and requires no more or greater care than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, **worthy and reliable employees**, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. See, Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887); In re Matullath, 38 App. D.C. 497, 514-15 (1912); Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (D.D.C. 1963), *aff'd*, 143 USPQ 172, 172 (D.C. Cir. 1964), and MPEP 711.03(c)(2). Moreover, the determination is to be made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533 (D.C. Cir. 1982).

In the present case, the facts clearly indicate that reasonable, if not elaborate, procedures were in place which are followed by worthy and reliable employees.

Specifically, MWE maintained an elaborate computerized, industry standard docketing system provided by Computer Packages Inc. (CPI), which is typical in any organization handling a large volume of cases, and relied upon full time worthy and reliable docketing staffs and legal assistants who were extensively trained to assist attorneys performing legal services. MWE's docketing department employed seven full time docketing specialists who had extensive training and experiences in docketing due dates for patent cases. Ms. Balero, the undersigned's assistant, is an experienced legal assistant who has more than a decade's training and experience working with patent prosecution attorneys in various reputable firms (Exhibit 4).

During the undersigned counsel's medical leave, Ms. Balero followed the established protocol screening correspondence sent to the counsel. She diligently reviewed the November 27, 2007 e-mail from Mr. Sheridan regarding the status of a response to the June 27, 2007 office action, and made proper inquiries by referring to reports generated by the computerized docketing system. A November 19, 2007 docket report generated by the computerized system showed that an outstanding office action was issued in the application on November 16, 2007 (Exhibit 5). According to the docket report, the only action item is a response to the November 16, 2007 office action which carries an extendable due date of February 16, 2008. There was no indication that additional due dates, other than those related to the November 16, 2007 office action, are still outstanding.

In view of the lack of an outstanding alert to respond to the June 27, 2007 office action and in combination with the arrival of the new November 16, 2007 office action, Ms. Balero concluded that a response to the June 27, 2007 was filed and did not make any further inquiries or forward the e-mail from Mr. Sheridan to attorneys who oversaw Mr.

Chen's docket during his absence. As the computerized docketing system was an industry standard and was proven to be reliable in the past, it is not unreasonable for Ms. Balero to rely on the report generated by the computerized docketing system and to conclude that a response was filed. There was no reason for Ms. Balero to suspect that there were other outstanding due dates. It was not an error that a reasonable prudent employee, who is worthy and reliable, could have expected. Accordingly, the delay in responding to the June 27, 2007 office action occurred totally unexpectedly and through the unforeseen fault or imperfection of agencies and instrumentalities and hence is unavoidable.

While the status of the application is unclear, petitioner took the precaution and diligently prepared and filed this petition and a response to the June 27, 2007 office action after it was determined that filing a petition to revive to be the best course of action to straighten the record. No undue or excessive delay was involved.

Based on all the foregoing, it is respectfully submitted that Petitioner and Petitioner's representative satisfied all the requirements for revival of the above-captioned patent application under 37 C.F.R. § 1.137(a). Petitioner respectfully requests prompt and favorable action on this petition.

III. PETITION UNDER 37 C.F.R. § 1.137(b) ("UNINTENTIONAL DELAY")

In the event the above petition under § 1.137(a) is dismissed, Petitioner hereby petitions for revival of the above-captioned patent application under 37 C.F.R. § 1.137(b). The entire above petition under § 1.137(a) is incorporated in this petition under 37 CFR § 1.137(b) by reference. Petitioner and Petitioner's representative submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

IV. CONCLUSION

Petitioner respectfully requests prompt and favorable action on this petition.

The Commissioner is hereby authorized to charge a petition fee under 37 CFR § 1.17(m), or any other fees that may be required, or credit any overpayment, to Deposit Account No. 500417.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Wei-Chen Nicholas Chen
Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WC:pab
Facsimile: 202.756.8087
Date: February 20, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**

EXHIBIT

1

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Munich
New York Orange County Rome San Diego Silicon Valley Washington, D.C.
Strategic alliance with MWE China Law Offices (Shanghai)

W. Nicholas Chen
nchen@mwe.com
650.813.5092

September 14, 2007

Via U.S. Mail

Ms. Connie Kenneally
Chief Executive Officer
TEXTWISE LLC
1100 Chase Square
17th Floor
Rochester, NY 14604

Re: U.S. Patent Application Serial No. 10/823,617
Filing Date: April 14, 2004
For: CONSTRUCTION OF TRAINABLE SEMANTIC VECTORS AND CLUSTERING
CLASSIFICATION, AND SEARCHING USING A TRAINABLE SEMANTIC VECTOR
Inventor: Randall J. CALISTRI-YEH, et al.
Our Reference: 55653-016

Dear Connie:

Further to our letter of August 27, 2007, we conducted a telephone interview with the Examiner on September 12, 2007, to discuss issues raised by an outstanding office action.

We are pleased to report that the Examiner has agreed that the outstanding rejections under 35 U.S.C. §101 would be overcome after minor wording changes suggested by the Examiner. A proposed response incorporating the changes is attached for your review and approval.

We plan to file a Request for Continued Examination to enter the amendment and to submit prior documents recently cited in other related TSV applications. If the Examiner considers those new documents do not affect the patentability of the claims, a Notice of Allowance should arrive soon.

Please let us know if we are authorized to proceed as proposed by September 25, 2007.

Very truly yours,

McDermott Will & Emery LLP



W. Nicholas Chen

WNC/pab

Enclosure

Proposed Response

cc: Steve Becker

EXHIBIT

2

Electronic Acknowledgement Receipt

EFS ID:	2253219
Application Number:	10823617
International Application Number:	
Confirmation Number:	5090
Title of Invention:	Construction of trainable semantic vectors and clustering, classification, and searching using trainable semantic vectors
First Named Inventor/Applicant Name:	Randall J. Callistri-Yeh
Correspondence Address:	McDermott, Will & Emery - 600 13th Street, N.W. - Washington DC 20005-3096 US 2027568087 -
Filer:	Wei-Chen Chen/Patricia Balero
Filer Authorized By:	Wei-Chen Chen
Attorney Docket Number:	55653-016
Receipt Date:	27-SEP-2007
Filing Date:	14-APR-2004
Time Stamp:	20:36:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 575
RAM confirmation Number	4425

Deposit Account	500417
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	RCE-55653-016.PDF	68019 0de1b3b6d910a044a5f3a3e1222de03e4d3d1a7	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2	Applicant summary of interview with examiner	InterviewStatement-55653-016.PDF	48107 82b9a707ed0fb9f48a3b9dfe15d10aef22933	no	2
Warnings:					
Information:					
3	Information Disclosure Statement Letter	InformationDisclosureStatement-55653-016.PDF	149272 cbef5f56210a325d4f3a2039e5f7220f5438220	no	4
Warnings:					
Information:					
4	NPL Documents	Article1-55653-016.PDF	1622092 5a972394804329d04b5391c107b95819b12a4184	no	18
Warnings:					
Information:					
5	NPL Documents	Article2-55653-016.PDF	714989 47c85bdc2ef5183218ba53389f22b6874c7a5e38	no	14
Warnings:					
Information:					
6	NPL Documents	Article3-55653-016.PDF	927347 734f4e3563511e72157ea51e775b9844c55677	no	15
Warnings:					
Information:					
7	NPL Documents	Article4-55653-016.PDF	1842329 ca9f3ac0b1139d1fb433e3c505523c8114	no	23
Warnings:					
Information:					

8	NPL Documents	Article5-55653-016.PDF	817968 c779b9dc884c4f53b4802a0253e7f6 c6842329	no	10
Warnings:					
Information:					
9	NPL Documents	Article6-55653-016.PDF	532823 7f5a0e31e0f9b544198aa7264a7e5 970a91ba7	no	14
Warnings:					
Information:					
10	NPL Documents	Article7-55653-016.PDF	381971 e430c28d9999b05f919235b79378574 92d8811	no	6
Warnings:					
Information:					
11	Fee Worksheet (PTO-06)	fee-info.pdf	8354 19939baee0b7d30ca7fe13c3c20c90e 08f04589	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				7113271	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Electronic Patent Application Fee Transmittal

Application Number:	10823617			
Filing Date:	14-Apr-2004			
Title of Invention:	Construction of trainable semantic vectors and clustering, classification, and searching using trainable semantic vectors			
First Named Inventor/Applicant Name:	Randall J. Calistri-Yeh			
Filer:	Wei-Chen Chen/Patricia Balero			
Attorney Docket Number:	55653-016			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	395	395
Submission- Information Disclosure Stmt	1806	1	180	180
Total in USD (\$)				575

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/823,617
Filing Date	April 14, 2004
First Named Inventor	Randal J. CALISTRI-YEH
Art Unit	2164
Examiner Name	Sathyanaraya R. Pannala
Attorney Docket Number	55653-016

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. ☐ **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted if a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

- b. ☒ **Enclosed**

i. ☐ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other Statement of Substance of Invention

2. ☐ **Miscellaneous**

- a. ☐ Suspension of action of the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)

- b. ☐ Other _____

3. ☐ **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e) \$790

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

- b. ☐ Check in the amount of \$ _____ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Nicholas Chen</i>	Date	September 27, 2007
Name (Print/Type)	Wei-Chen Nicholas Chen	Registration No.	56,665

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Randal J. CALISTRI-YEH, et al.	:	Confirmation Number: 5090
	:	
Serial No.: 10/823,617	:	Group Art Unit: 2164
	:	
Filed: April 14, 2004	:	Examiner: Sathyanaraya R. Pannala

For: CONSTRUCTION OF TRAINABLE SEMANTIC VECTORS AND CLUSTERING
CLASSIFICATION, AND SEARCHING USING TRAINABLE SEMANTIC VECTORS

STATEMENT OF SUBSTANCE OF INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A telephonic interview was conducted on September 12, 2007, in which Examiner Pannala and Applicants' representative Wei-Chen Nicholas Chen attended.

During this interview, a rejection of 41-52, 63-64, 69-70 and 72-78 under 35 U.S.C. §101 in the Final Office Action dated June 27, 2007, was discussed. The Examiner is thanked for the kind suggestions on possible effective claim amendments to overcome the rejections under 35 U.S.C. §101, to achieve allowance. Applicants agreed that a Response incorporating the Examiner's suggestions will be filed shortly.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

Serial No.: 10/823,617

extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink that reads "Wei-Chen Chen." The signature is written in a cursive, flowing style.

Wei-Chen Nicholas Chen

Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WC:pab
Facsimile: 202.756.8087
Date: September 27, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**

WDC99 1468875-1.055653.0016

Docket No.: 055653-0016

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Randal J. CALISTRI-YEH, et al.	:	Confirmation Number: 5090
	:	
Serial No.: 10/823,617	:	Group Art Unit: 2164
	:	
Filed: April 14, 2004	:	Examiner: Sathyanaraya R. Pannala
	:	
For:	:	CONSTRUCTION OF TRAINABLE SEMANTIC VECTORS AND CLUSTERING, CLASSIFICATION, AND SEARCHING USING TRAINABLE SEMANTIC VECTORS

INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee.

**REQUEST TO CONSIDER REFERENCES AFTER CLOSE OF PROSECUTION AND
BEFORE PAYMENT OF ISSUE FEE**

The undersigned hereby requests consideration and entry of this Information Disclosure Statement and accompanying references under 37 CFR 1.97(d).

Please charge the processing fee under 1.17(p) of \$180.00 to Deposit Account 500417.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink that reads "Wei-Chen Chen". The signature is fluid and cursive, with a period at the end.

Wei-Chen Nicholas Chen
Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WC:pab
Facsimile: 202.756.8087
Date: September 27, 2007
WDC99 1468954-1.055653.0016

**Please recognize our Customer No. 20277
as our correspondence address.**

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Substitute for form 1449/PTO)

 ATTY. DOCKET NO.
055653-0016

 SERIAL NO.
10/823,617

 APPLICANT
Randal J. CALISTRI-YEH, et al.

 FILING DATE
April 14, 2004

 GROUP
2164

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code(s) (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 5,974,412	10-1999	Hazlehurst et al.	
		US 6,175,828	10-1999	Kuromusha et al.	
		US 6,523,026	02-2003	Gillis	
		US 5,379,395	01-1995	Noyes	
		US 5,404,506	04-1995	Fujisawa et al.	
		US 5,828,268	10-1998	Schaefer et al.	
		US 5,824,105	07-1999	Punch et al.	
		US 6,138,116	10-2000	Kitagawa et al.	
		US 6,208,971	03-2001	Bellegarda et al.	
		US 6,405,199	06-2002	Carter et al.	
		US 6,446,061	09-2002	Doerre et al.	
		US 5,625,767	04-1997	Bartell et al.	
		US 5,269,361	07-2001	Davis et al.	
		US 6,751,621	06-2004	Calistri-Yeh et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes-Number - Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation	
						Yes	No

OTHER ART (including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Bartell-B-T and Cottrell-G-W and Belaw-R-K. "Representing Documents Using an Explicit Model of their Similarities" J of the American Society for Information. May 1995
		Bullinaro-J-A and Huckle-C-G. "Modeling Lexical Decision Using Corpus Derived Semantic Representations in a Connectionist Network" Proc of the 4th Neural Computation and Psychology Workshop. 1997
		Lewis-D-D. "Text Representation for Intelligent Text Retrieval: A Classification-Oriented View" 1992
		Liu-G-Z. "Semantic Vector Space Model: Implementation and Evaluation" J of the American Society for Information Science. May 1997

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

WDC99 1468980-1.055653.0016

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Substitute for form 1449/PTO)

 ATTY. DOCKET NO.
055653-0016

 SERIAL NO.
10/823,617

 APPLICANT
Randal J. CALISTRI-YEH, et al.

 FILING DATE
April 14, 2004

 GROUP
2164

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code(s) (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 6,816,857	11-2004	Weissman et al.	
		US 2004/0059708	03-2004	Dean et al.	
		US 5,619,709	04-1997	Cald et al.	
		US 6,246,977	06-2001	Messersly et al.	
		US 2002/0077916	06-2002	Greene	
		US 6,289,353	08-2001	Hazlehurst et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Code(s)-Number(s)-Kind Code(s) (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation	
						Yes	No

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Lui-G-Z. "The Semantic Vector Space Model (SVSM): A text Representation and Searching Technique" IEEE 1994
		Patel-M. "Extracting Semantic Representation from Large Text Corpora" Proc of the 4th Neural Computation and Psychology Workshop, 1997
		STEFAN WERNTER, GAREN AREVIAN AND CHRISTO PANCHEV, "Recurrent Neural Network Learning for Text Routing", Artificial Neural Networks, September 7-10, 1999, Conference Publication No. 470, pgs. 898-903, Sunderland, UK

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

WDC99 1468981-1.055653.0016

EXHIBIT

3

Balero, Patricia

From: Paraic Sheridan [paraic@textwise.com]
Sent: Tuesday, November 27, 2007 12:16 PM
To: Chen, Nicholas; Balero, Patricia
Subject: Following up on Patent Ref 55653-016
Attachments: fax_5854134239.pdf; fax_5854134239.pdf

Hi Nicholas,

Today I finally got by fax the copies of an Office Action notification letter dated August 27th and a follow-up letter from your office dated September 14th (both attached) related to our patent application ref 55653-016. You were seeking a response by September 25th. Apparently these documents were mis-filed in our Rochester office and I did not know about this until today.

Have you already filed the response and amended claims to the patent office? Have you filed an IDS related to this also? These were minor adjustments to the claim language, so I'm assuming you just went ahead with the response...

By the way, please note that **the September 14th letter was addressed to an incorrect address for TextWise at 1100 Chase Square. Our correct address is 274 N. Goodman Street, Suite B273.** Please direct all future correspondence to the N. Goodman Street address.

[By the way, I'm still working on the Office Action on our -019 application]

Regards,
Paraic

12/5/2007

EXHIBIT

4

PATRICIA A. BALERO

EXPERIENCE

McDermott Will & Emery LLP

Patent Secretary

2006-Present

- Patent Prosecution for domestic provisional patent applications, utility patent applications, PCT patent applications, national phase and direct filings
- Communication with Patent Office for matters including Responses, Petitions and Amendments
- Obtaining formal documents required to complete application process, including Powers of Attorney, Oath and Assignments and Formal Figures
- Monitoring US docket, database management, data entry, report documents received and filed to clients.
- Reviewing and docketing all US and foreign actions

TOWNSEND AND TOWNSEND AND CREW LLP, Walnut Creek, California

Senior Patent Secretary

2005-2006

- Patent Prosecution for domestic provisional patent applications, utility patent applications, PCT patent applications, national phase and direct filings
- Patent ordering
- Dictation
- Organizing client meetings and communication with foreign associates/attorneys
- Travel planning
- Training and mentoring of new secretaries/legal assistants
- Communication with PTO Office, including Responses, Petitions, Amendments
- Obtaining formal documents required to complete application process, including Powers of Attorney, Oath and Assignments, Formal Figures
- Monitoring US docket, database management, data entry, report documents received and filed to clients.
- Reviewing and docketing all US and foreign actions

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, San Jose, California

Senior Patent Secretary

2001- 2005

- Patent Prosecution for provisional patent applications, utility patent applications, PCT patent applications, national phase and direct filings
- Patent ordering
- Dictation
- Organizing client meetings
- Travel planning
- Training of new secretaries/assistants
- Communication with PTO Office, including Responses, Petitions, Amendments
- Obtain formal documents required to complete application process, including Powers of Attorney, Oath and Assignments, Formal Figures
- Monitor US docket, data entry, report documents received and filed to clients.
- Review and docket all US actions
- Maintain Office work flow, office supply ordering, A/R, A/P, maintain budget accruals throughout the year, review resumes, conduct interviews, maintenance throughout the office, handle office equipment leases, hold secretary meetings, conduct counseling meetings with secretaries/administrators, process vacation requests

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, Sunnyvale, California

Patent Secretary

1995 – 2001

- Patent Prosecution for provisional patent applications, utility patent applications, PCT patent applications, national phase and direct filings
- Patent ordering
- Dictation
- Organizing client meetings
- Travel planning
- Training of new secretaries/assistants
- Communication with PTO Office, including Responses, Petitions, Amendments,
- Obtain formal documents required to complete application process, including Powers of Attorney, Oath and Assignments, Formal Figures
- Monitor US docket, data entry, report documents received and filed to clients.
- Review and docket all US actions

THE GUARDIAN, Cupertino, California

Proposal Secretary/Administrator

1994 – 1995

- Process quotes (medical, dental, life & LTD proposals)
- Prepared proposals
- Updated Client information for brokers
- Incoming/Outgoing client correspondence
- E.T. & Log out Quotes
- Submission of new business
- Renewal processing
- Amendments to cases
- Preparation of forms and documents

EDUCATION

Fred Pryor/CareerTrack Seminars

- Excelling as a First-Time Supervisor
- How to Become a More Effective Supervisor
- Conflict Resolution and Confrontation Skills
- How to Priorities & Manage Multiple Projects
- How to Handle People with Tact and Skill
- Excel

EXHIBIT

5

S. Becker

Actions Due

Monday, November 19, 2007

Page: 1

Client-Matter: 055653-0016

Family Number: 055653-0011

Sub Matter:

Country: US United States of America

SubCase: A003

Client Ref. #:

Case Type: DIV

Responsible Atty.: SAB

Assigned Atty.: NC

Paralegal:

Resp. Office: WDC

Status: Pending

Filing Date: 14-Apr-2004

Action Type: WDC-US-3 Month Office Action

Base Date: 16-Nov-2007

Application #: 10/823,617

Response sent date:

Action(s) Due	Due Date	Indicator	Taken	LP
RESPONSE DUE 1 MONTH	16-Jan-2008	Reminder		
RESPONSE DUE	16-Feb-2008	Due Date		
RESPONSE DUE 1 EXT	16-Mar-2008	Due Date		
RESPONSE DUE 2 EXT	16-Apr-2008	Due Date		
NON-EXTBL. RESPONSE 2 WKS	02-May-2008	Reminder		
NON-EXTBL. RESPONSE DUE	16-May-2008	Final		

Remarks:

3 MO OA DTD 11/16/07, RECD 11/19/07

Family Members and RCE Status

MWE Docket	CaseType	Status	App Number	Pat Number	PubNumber	RCE Filed
055653-0011	PRO	Completed	60/177,854			No
055653-0013	PRI	Granted	09/562,916	6751621		Yes
055653-0015	DIV	Granted	10/823,561	7299247		Yes
055653-0016	DIV	Pending	10/823,617			Yes
055653-0017	DIV	Published	10/823,685		US-2004-019	Yes

Created By: Jmarciana

User ID: Jmarciana

Date Created: 19-Nov-2007

Last Update: 19-Nov-2007